

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 EURE-00 RSR-01 CIAE-00 PM-09 H-02

INR-09 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14

USIA-12 INRE-00 T-03 OMB-01 TRSE-00 ACDA-19 MBFR-03

SAJ-01 GAC-01 EB-11 COME-00 /130 W
----- 092266

P R 191739 Z MAR 73

FM AMEMBASSY LONDON

TO SECSTATE WASHDC PRIORITY 9814

INFO DOD WASHDC PRIORITY

CINCUSAFE

CINCUSAREUR

CINCUSNAVEUR

HQ 3 AF RAF MILDENHALL

USCINCEUR

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 03259

E. O. 11652: XGDS-1

TAGS: MARR, UK

SUBJECT: US/ UK COST- SHARING ARRANGEMENT

REF: LONDON 3258

1. FOLLOWING IS TEXT OF FCO LETTER DATED 16 MARCH 1973
TRANSMITTING NEW UK DRAFT OF COST- SHARING ARRANGEMENT
CONTAINED REFTEL:
2. QUOTE: WITH MY LETTER OF 22 FEBRUARY I SENT YOU THE
UNOFFICIAL VERSION OF OUR REVISED DRAFT MEMORANDUM OF
UNDERSTANDING ON COST SHARING. THIS HAS BEEN STUDIED BY
OUR LEGAL ADVISERS WHO HAVE MADE VARIOUS AMENDMENTS, AND
I NOW ENCLOSE COPIES OF THE AGREED UK VERSION OF THE
DRAFT. AS YOU WILL SEE, MANY OF THE AMENDMENTS ARE
PURELY MATTERS OF DRAFTING WHICH ARE NEEDED TO BRING
THE TEXT INTO A MORE PRESENTABLE FORM. I SHOULD HOWEVER
DRAW YOUR ATTENTION TO THE FOLLOWING POINTS:-
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A) PARAGRAPH 1(2)

WE HAVE THOUGHT IT USEFUL TO DEFINE THE MEANING OF LAND AND FACILITIES, ETC AT THIS EARLY POINT SO THAT THERE- AFTER WE CAN SIMPLY REFER TO " LAND".

B) PARAGRAPH 2(2)

TO AVOID ANY PROBLEMS OVER THE MAXIMUM FIGURE OF STERLING 100,000, WE HAVE EXPRESSLY PROVIDED FOR WHAT HAPPENS IF THE ARRANGEMENTS BEGIN OR END AT ANY TIME OTHER THAN THE START OR FINISH OF A UK FINANCIAL YEAR.

C) PARAGRAPH 2(4)

WE HAVE INCLUDED THE ADDITIONAL SENTENCE " THE US FORCES WILL HAVE THE RIGHT TO CONCLUDE PRIVATE LEASES ON BEHALF OF THE UNITED STATES GOVERNMENT". I HAVE HOWEVER BEEN ASKED TO POINT OUT THAT THESE WORDS DO NOT IMPLY THAT THE US FORCES CAN TAKE LEASES IN THEIR OWN NAME RATHER THAN THE NAME OF THE UNITED STATES GOVERNMENT, AND THAT IF THEY DO SO THERE MAY BE TECHNICAL DIFFICULTIES INVOLVED.

D) PARAGRAPH 2(7)

WE HAVE DELETED THE REFERENCE TO RELINQUISHMENT AS THIS DOES NOT CONFORM TO THE PRECEDING SUB- PARAGRAPH (6) WHICH SPEAKS OF MAKING THE LAND AVAILABLE.

E) PARAGRAPH 2(8)

WE HAVE AMENDED THE DEFINITION OF " DEFENCE PURPOSES" AND HOPE THAT THIS SUB- PARAGRAPH WILL NOW BE ACCEPTABLE TO YOU. YOU WILL SEE THAT IT ONLY RELATES TO PARAGRAPHS 2(1)(B) AND 2(3), IE ADDITIONAL LAND AREAS TO BE MADE AVAILABLE TO THE US FORCES WHICH DO NOT BELONG TO HMG.

F) PARAGRAPH 4(1)

WE HAVE AMPLIFIED THIS SUB- PARAGRAPH TO MAKE IT CLEAR THAT THE NEW DE RATE OF 7 1/2 PER CENT WILL APPLY AS FROM 1 APRIL 1972.

G) PARAGRAPH 4(3)(A)(I) AND (II)

WE HAVE DELETED THE REFERENCES TO BUILDINGS IN VIEW OF THE NEW DEFINITION OF " LAND".
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H) PARAGRAPH 4(4)

WE HAVE REWORDED THE PREVIOUS VERSION OF THIS SUB-PARAGRAPH. THERE MAY BE CASES WHERE CLAIMS ARE MADE AGAINST HMG ON THE BASIS THAT THEY ARE RESPONSIBLE FOR THE CONTRACTORS' ACTIONS. THE LAW ON THIS POINT MAY NOT BE ENTIRELY CLEAR IN THE CIRCUMSTANCES OF THE CASE AND IT MAY BE CONSIDERED EXPEDIENT TO SETTLE THE CLAIM OUT OF COURT, IF THE PLAINTIFF REFUSES TO SUE THE CONTRACTOR, RATHER THAN ALLOW THE CASE TO GO TO PROCEEDINGS AND THEN JOINING THE CONTRACTOR IN AS A THIRD PARTY. IN CIRCUMSTANCES SUCH AS THOSE, WE WOULD LOOK TO THE US GOVERNMENT TO MEET THE CLAIM, AFTER FIRST CONSULTING THEM AS TO THE APPROPRIATE AMOUNT. WE ALSO

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CINCUSAFE
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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 03259

WISH TO COVER THE EVENTUALITY OF A JUDGEMENT BEING MADE AGAINST HMG ARISING OUT OF AN ACT OR OMISSION OF A CONTRACTOR DOING WORK FOR THE US FORCES.

I) PARAGRAPH 4(5)

THE SMALL AMENDMENTS TO LINES 3 AND 4 OF THIS SUB-PARAGRAPH ARE INTENDED TO BRING OUT THE MEANING WHICH WAS NOT VERY CLEAR IN THE EARLIER DRAFT.

J) PARAGRAPH 6(1)

WE HAVE DELETED THE REFERENCES TO THE UNITED STATES " GOVERNMENT" AND HER MAJESTY' S " GOVERNMENT" AS THERE ARE OF COURSE AGREEMENTS, NOTABLY THE NATO STATUS OF FORCES AGREEMENT AND THE NORTH ATLANTIC TREATY, WHICH ARE AGREEMENTS BETWEEN THE UNITED STATES AND THE UNITED KINGDOM RATHER THAN THEIR RESPECTIVE GOVERNMENTS. WE THINK IT IMPORTANT THAT THERE SHOULD NOT BE ANY POSSIBILITY OF MISUNDERSTANDING AS TO WHICH INTERNATIONAL AGREEMENTS ARE COVERED BY THIS PROVISION.
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K) PARAGRAPH 6(3)

WE HAVE ADDED SOME WORDS TO THE PENULTIMATE SENTENCE TO MAKE IT CLEARER WHEN THE SUM CEASES TO BE MADE AVAILABLE.

I HOPE THAT THE DRAFT MEMORANDUM OF UNDERSTANDING AS IT NOW STANDS IS ACCEPTABLE TO YOU. IF SO, WE WOULD BE PREPARED TO RECOMMEND IT TO OUR MINISTERS FOR THEIR APPROVAL.

IN YOUR LETTER OF 13 NOVEMBER 1972 TO HUGH OVERTON YOU MADE CERTAIN PROPOSALS REGARDING AGRICULTURAL DAMAGE CLAIMS, DEPARTMENTAL EXPENSES ON SUPERANNUATION FOR DIRECT HIRE EMPLOYEES AND RETROACTIVE APPLICATION OF THE NEW DE RATE OF 7 1/2 PER CENT. I AM GLAD TO BE ABLE TO CONFIRM THAT WE ACCEPT YOUR PROPOSALS AS AMENDED BY YOUR LETTER OF 19 JANUARY 1973 TO ME. UNQUOTE.

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*** Current Classification *** CONFIDENTIAL

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